

City of Atlanta
Department of Planning and Community Development
Bureau of Planning, Current Planning Division
55 Trinity Street, Ste. 3350
(404) 330-6145

SPECIAL EXCEPTION APPLICATION CHECKLIST

- ___ 1. Complete **application** with notarized signatures. (See Page 1)
- ___ 2. Obtain **notarized signature of property owner(s)**, if other than applicant.
(See Page 5)
- ___ 3. If you are an attorney representing the owner, complete Authorization by Attorney.
(See Page 6)
- ___ 4. Attach plat of survey or written legal description in metes and bounds. **Application will be returned if survey or legal description in metes and bounds is not provided.**
- ___ 5. Provide **site plan(s)**: One copy if 8 ½" x 11", to a scale no smaller than 1 inch = 30 feet OR eight copies if larger than 8 ½" x 11". Site plans should show all existing and proposed conditions, including location of buildings, walls and fences, and parking spaces, and should be drawn to scale. Elevations are required for wall and fence special exceptions.
- ___ 6. Write **justification** based on criteria outlined in application form. (See Pages 3-4)
- ___ 7. Obtain **Referral Certificate** for completed application from Bureau of Buildings Zoning Enforcement desk BEFORE filing with the Bureau of Planning. **PLEASE NOTE: The Bureau of Buildings is closed to the public on Tuesdays.**
- ___ 8. File **application** with Bureau of Planning.
- ___ 9. Pay **fee** - See application for amount due. Make check payable to "City of Atlanta". Application will not be accepted without the fee. (See Page 7)
- ___ 10. Obtain copy of the **Notice to the Applicant** regarding the Board of Zoning Adjustment (BZA) hearing date, the NPU contact person and the NPU meeting date.
- ___ 11. Obtain **public notice sign** and post it at least 15 days prior to the hearing. (See Page 2)
- ___ 12. Contact **NPU** representative and attend necessary neighborhood and NPU meetings.
- ___ 13. Attend Board of Zoning Adjustment (BZA) **public hearing** on the scheduled date.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

On closing day, applicants must sign in at the Bureau of Planning by 2:00 P.M. to ensure processing and scheduling for the corresponding public hearing date. WE SUGGEST THAT YOU FILE YOUR COMPLETE APPLICATION BEFORE THE CLOSING DATE TO ENABLE STAFF TO SCHEDULE IT FOR YOUR DESIRED HEARING.

Address _____
street city state zip code

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Summary of proposed changes to buildings or site (do not list required special exception): _____

Proposed Lot Coverage (After Construction): Calculate total amount of impervious surface on entire property, including buildings; sidewalks, driveways, and parking pads; patios, etc., after proposed construction is finished. Do not include gravel, "grasscrete", or porous cement.

_____ square feet impervious surface

_____ impervious surface as a percent of total lot square footage

Special Exception Procedures

Special exception applications are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment ("BZA"). The Bureau of Planning serves as staff to the BZA. Approximately one week after each closing date, a planner is assigned to review your application. All inquiries regarding your application should be directed to this office at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

Schedule. There are two closing dates and two public hearings per month. The schedule allows time for neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The schedule of closing and public hearing dates is attached.

Neighborhood and NPU Recommendations. The City is divided into 24 Neighborhood Planning Units (NPUs), each of which has a volunteer citizen advisory committee that makes a recommendation to the BZA on special exceptions. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. You may be requested to attend additional neighborhood meetings; inquire about the time and place of those meetings. The applicant is expected to contact the NPU as soon as possible after the application is filed. The Bureau of Planning will send a copy of your application to the appropriate NPU during the week after the closing date for your application.

Public Notice. When you file your application, it will be scheduled for a public hearing. The Bureau of Planning will initiate posting of public notice ("an advertisement", "a legal ad") for this public hearing so that the public is informed at least 15 days before the date of the public hearing:

- by sending written notice of your application to all property owners whose property is within 300 feet of the subject property, and
- by causing public notice to be placed in the newspaper.

You are responsible for obtaining a public notice sign when you file your application with the Bureau of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. Failure to properly post the sign will make it necessary for the BZA to defer your case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30 days after the original hearing.

Refunds on Withdrawn Cases. Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

Staff Recommendation. The staff of Bureau of Planning reviews and makes written recommendations to the BZA on each special exception application. You may call the Current Planning Division of the Bureau of Planning at (404) 330-6145 on the Monday before the public hearing if you wish the Planning staff's recommendation.

Public Hearing Presentation. Each applicant or representative of the applicant must appear and present the case before the BZA at the scheduled public hearing, or request a deferral in writing prior to the public hearing. The party representing the application is allowed a total of ten minutes to present the application. A portion of this time may be saved for rebuttal to any objections to the special exception.

You may choose to bring exhibits such as enlarged site plans; this is not required but is purely at your discretion. Any exhibits that are filed with the City at the hearing should be capable of being stored in the 11" x 17" City file, so please do not permanently affix exhibits to a stiff backing.

BZA Decision. Before granting any application for a special exception, the BZA must enter the facts of the case into the record at the public hearing, and must base the decision on applicable criteria listed in the Zoning Ordinance. The City Council does not make decisions regarding applications that come before the BZA.

Special Exception Application Instructions

Your Special Exception application should be clearly printed or typewritten and all signatures on the application must be notarized.

Each application must contain a legal description of the subject property (metes and bounds or a recent plat of survey), complete site plan (s) of your property which show all existing and proposed improvements (one copy if 8 ½" x 11", to a scale no smaller than 1 inch = 30 feet OR eight copies if larger than 8 ½" x 11'), and a written justification (see criteria below) for the Special Exceptions that are requested.

The proper fee must accompany your application at the time of filing. Checks must be made payable to City of Atlanta. The application fee schedule is attached for your information.

Each Special Exception application must be accompanied by a Referral Certificate. This Referral Certificate describes the Special Exception you are requesting and is obtained from the Zoning Enforcement Division, Bureau of Buildings, Suite 3900, 3rd Floor City Hall, Atlanta, GA, (404) 330-6175.

If you do not own the subject property, the owner must sign the Notarized Authorization by Property Owner (form included) which authorizes you to file this application. If more than one property owners is involved, each owner should sign a separate authorization.

If you choose to be represented by an attorney, the attorney should sign the Authorization of Attorney (form included).

The schedule of special exception application closing dates and public hearing dates is attached.

The staff of Bureau of Planning reviews and makes written recommendations to the BZA on each Special Exception application. You may call the Zoning Division of the Bureau of Planning at (404) 330-6145 on the day before the public hearing if you wish to know the staff's recommendation.

In connection with Special Exceptions, the Board may attach conditions and safeguards concerning fencing, screening, or other buffering and such other matters as are reasonably required to assure the tranquillity of the neighborhood.

The following classes of Special Exceptions comprise the majority of such applications heard by the Board. The specific criteria for these classes of applications are included for your information. Your written justification should address these criteria. Please submit a typewritten justification.

CHURCHES ON LOTS OF LESS THAN ONE ACRE

1. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in 1. above.
3. Refuse and service areas.
4. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
5. Hours and manner of operations.

6. Length of time regarding the duration of such permit, if any.
7. Required yards and other open spaces.

PARKING. The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any district when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

WALLS AND FENCES. Any request for walls or fences should include:

1. a site plan showing the full extent of the wall or fence; and
2. a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

The Board of Zoning Adjustment may grant Special Exceptions in any district for greater heights of walls and fences only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or,
4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

ACTIVE RECREATION FACILITIES: The BZA may grant a Special Exception to permit active recreation in yards adjacent to streets in residential districts only upon finding that:

1. The location will not be objectionable to occupants of a neighboring property or the neighborhood in general by reason of noise, lights or concentration of persons or vehicular traffic; and
2. The area for such activity could not reasonably be located elsewhere on the lot.

In some cases, applications for a swimming pool or tennis court adjacent to a street may also need a Special Exception for a wall or fence. This should be verified with the Zoning Enforcement Division of the Bureau of Buildings prior to making application.

SATELLITE DISHES: The BZA may permit satellite receiving dish antennae to be erected in any yard, (required or other), or attached to the primary or an accessory structure. However, such Special Exception shall be granted only upon finding that:

1. The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of visual unsightliness, potential hazard to pedestrian or vehicular traffic movement, or the obstruction of light or air to adjoining properties; and
- The equipment could not reasonably be located elsewhere on the lot. However, a problem related solely to signal reception standards shall not be considered sufficient grounds for granting relief under this paragraph.

NONCONFORMING USES AND STRUCTURES: See Section 16-24.001 through Section 16-24.007 of the City of Atlanta Zoning Ordinance and the following subsections:

1. Expansion of nonconforming uses or structures or of major structures and premises in combination: See Section 16-24.005(i).
2. Replacement or reconstruction of a destroyed major structure containing a nonconforming use: See Section 16-24.005(6)(b).
3. Expansion of a nonconforming use in R-4 (Single-Family Residential) and R-5 (Two-Family Residential) districts: See Section 16-24.005(7)(a).

NOTARIZED AUTHORIZATION BY PROPERTY OWNER
(Required only if **applicant is not the owner** of the property subject to the application)

TYPE OF APPLICATION _____

I, _____ (OWNER(S) NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT _____
_____ (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF _____ COUNTY, GEORGIA WHICH
IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I

AUTHORIZE THE PERSON NAMED BELOW TO ACT AS THE APPLICANT
IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT _____

ADDRESS _____

TELEPHONE NUMBER _____

Signature of Owner

Personally Appeared
Before Me

Who Swears That The
Information Contained
In This Authorization
Is True and Correct To
The Best of His or Her
Knowledge and Belief.

Notary Public

Date

AUTHORIZATION OF ATTORNEY
(Required Only if the Owner is Represented by an Attorney)

NAME

ADDRESS

CITY

STATE

ZIP CODE

TELEPHONE NUMBER

I SWEAR, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED
BY THE OWNER TO FILE THE ATTACHED APPLICATION.

SIGNATURE OF ATTORNEY

FEE SCHEDULE

FOR APPLICATIONS TO THE CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT (BZA) FOR VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS

Fees for applications to the BZA are as follows:

- (A) **Variance applications.** Variance application fees are based on the zoning district in which the subject property is located.

<u>District</u>	<u>Fee</u>
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, R-5, LD, HD	\$100.00
RG Sectors 1-6 MR Sectors 1-8	\$500.00
R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, MRC-1, MRC-2, MRC-3, LW, NC, all SPI Districts	\$625.00

- (B) **Special Exception applications.** Special Exception application fees are based on the zoning district in which the subject property is located.

<u>District</u>	<u>Fee</u>
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, R-5, LD, HD	\$100.00
RG Sectors 1-6 MR Sectors 1-6	\$500.00
R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, MRC-1, MRC-2, MRC-3, LW, NC, all SPI Districts	\$625.00

- (C) **Appeal applications.** For appeals of a decision of a City staff person, the application fee is \$250.00, without regard to the zoning district in which the subject property is located.